

2015 ACJC Proposed Legislation Summaries

NICS Bills:

#1 - Case information; law enforcement

Creates the authorizing language necessary for DPS to provide law enforcement agencies to mental health ruling case information as reported to NICS to enforce a court order, assist in an investigation or for the purpose of returning property.

#2 - Prohibited possessor; mental health

Adds to the definition of prohibited possessor in Arizona those individuals under court appointed guardianship except if the appointment is due solely to a physical incapacity.

#3 - NICS; prohibited possessor; criminal offenses

Adds to the definition of prohibited possessor in Arizona someone who is under indictment or information for an offense listed in section 13-706, subsection F (these offenses include the most serious crimes such as: murder, manslaughter, aggregated assault, kidnapping, armed robbery, sexual assault, etc.). Authorizes the automatic transmission of this information from the Supreme Court to DPS and from DPS into the National Instant Criminal Background Check system.

Other Bills:

#4 - Law enforcement; courts; fingerprinting

This bill removes language from §41-1750 dealing with fingerprinting requirements and creates a new section of statute 41-1757 that deals specifically with fingerprinting. No other changes are made to statute language.

#5 - Judgment of guilt; document

Requires the court at the time of sentencing to for certain offenses to permanently affix a defendant's fingerprint to the sentence document or minute order, or record the defendant's two-fingerprint biometric-based identifier in the case file. It also states that if the booking agency cannot determine whether legible ten-print fingerprints were taken from the arrestee the booking agency shall take the ten-print fingerprints.

#6 - Failure to appear/ Notice to Appear

Amends statute from shall to may to give courts discretion in filing a failure to appear complaint. Also creates a one year timeframe for a prosecutor to notify the court of an intent to prosecute the complaint. If no intent is provided by the prosecutor the complaint shall be dismissed.